

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**BRANDY DEGARIS**

**PLAINTIFF**

**V.**

**CAUSE NO. 1:16-CV-239-SA-RP**

**MONROE COUNTY, SHERIFF CECIL CANTRELL,  
Individually, and in his Official Capacity as  
SHERIFF OF MONROE COUNTY and DEPUTY SHERIFF  
CLAYTON JONES, Individually and in his Official Capacity  
as DEPUTY SHERIFF OF MONROE COUNTY**

**DEFENDANTS**

**MOTION TO DISMISS**

**NOW COME DEFENDANTS, MONROE COUNTY, MONROE COUNTY SHERIFFS  
DEPARTMENT, and SHERIFF CECIL CANTRELL**, individually and in his official capacity,  
by counsel, and respectfully move this Court for dismissal AND/OR judgment on the pleadings  
because it is clear from the face of the Plaintiff's Complaint that the applicable three-year statute of  
limitations has expired. Dismissal is further proper for **MONROE COUNTY SHERIFFS  
DEPARTMENT** and **SHERIFF CANTRELL** in his official capacity because they are improper  
parties and/or un-necessary duplicate official capacity defendants.

**I. PLAINTIFF'S COMPLAINT**

Foundationally, a corrections officer cannot have consensual sexual relations with an inmate.<sup>1</sup>  
Plaintiff's Complaint was dated and filed on December 27, 2016, and notes as a matter of record that  
she had sexual relations with Defendant Clayton Jones just over three years before filing suit.

**DOC #1, ¶17.** While in Jail she was approached on or about December 24, 2013 by  
Defendant John Doyle Adams and she did have sexual relations with him. At the time, he

was working in his official capacity in the Monroe County Detention Center;

**DOC #1, 18.** At the time, Brandy was an inmate incarcerated at the Monroe County Detention Center and she was not in a position to consent to this encounter and as a result, Defendant John Doyle Adams was prosecuted and convicted of sexual battery of an inmate and is now required to register as a sex offender;

The complaint alleges no disability or excuse and is time barred.

## **II. AUTHORITY**

As required by Uniform District Court Rule 7, these Defendants separately submit their supporting authorities via memorandum brief.

**NOW, THEREFORE**, these Defendants respectfully move this Court to dismiss the instant complaint with prejudice pursuant to Rule 12(b)(6) & (c), *Fed. R. Civ. Proc.*

**FILED** this the 3<sup>rd</sup> day of May, 2017.

**JACKS | GRIFFITH | LUCIANO, P.A.**

By: /s/ Daniel J. Griffith  
Daniel J. Griffith, MS Bar No. 8366  
Attorney for Defendants Monroe County,  
Monroe County Sheriffs Department and  
Sheriff Cecil Cantrell in his individual and  
official capacity as Sheriff of Monroe County

Of Counsel:

**JACKS | GRIFFITH | LUCIANO, P.A.**

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**CERTIFICATE OF SERVICE**

I, Daniel J. Griffith, attorney of record for Defendants Monroe County and Sheriff Cecil Cantrell in his individual and official capacity as Sheriff of Monroe County, do hereby certify that I have this day caused a true and correct copy of the above and foregoing ***MOTION TO DISMISS*** to be delivered by the ECF Filing System which gave notice to all counsel of record.

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***Attorney for Plaintiff***

**DATED** this 3<sup>rd</sup> day of May, 2017.

/s/ ***Daniel J. Griffith***  
Daniel J. Griffith